



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR



Date Mailed: December 21, 2018
MAHS Docket No.: 18-011381
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on December 11, 2018, from Lansing, Michigan. Petitioner was represented by herself, husband, [REDACTED] [REDACTED] and interpreter, Jorge, #3876. The Department of Health and Human Services (Department) was represented by Adele Sumption, Hearing Coordinator, and Theodora Jimenz, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On August 22, 2018, Petitioner had a hearing about her MA.
2. On September 21, 2018, the Administrative Law Judge (ALJ) affirmed the Department closing Petitioner's MA case for failure to provide the Department with information necessary to determine her eligibility to receive MA benefits.
3. The Petitioner was a recipient of FAP.

4. On June 14, 2018, the Department Caseworker sent the Petitioner a Verification Checklist, DHS-3503, that was due on June 25, 2018, for Petitioner to provide written verification of assets including a mobile home and 2006 Chevrolet Colorado pick-up truck. Department Exhibit 1, pgs. 7-8.
5. On July 24, 2018, the Department received a request for a hearing from the Petitioner, contesting the Department's negative action.
6. On July 25, 2018, the Department Caseworker sent the Petitioner a notice that her FAP case was closed for failure to provide verification of assets.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, the Department closed the Petitioner's FAP case due to her failure to provide verification of assets of a mobile home and 2006 Chevrolet Colorado pick-up truck. The Department discovered Petitioner's husband's ownership of the mobile home when another client in another county applied for State Emergency Relief (SER) for a court ordered eviction by Petitioner's husband. The Department obtained a copy of the lease that state that the client and the other party signed a lease for a home rental on September 2017 for the sum of \$[REDACTED] a month. This rental income was not reported to the Department within 10 days as required by policy. A Department Caseworker from Allegan County visually attested that there was a 2nd unit on the property. Department Exhibit 1, pgs. 16-29 and 38-41. BEM 400. ERM 101 and 103.

During the hearing, the Petitioner's Husband stated that he no longer owned the truck that he had sold it. He was advised to work with the Secretary of State to provide verification that would not list him as the owner anymore on their records. He also stated that the mobile home was his daughter's and he was helping her with the tenants. Petitioner's husband was informed that he needed a letter from her stating that. Since his name was on the court documents not his daughter, the mobile home was listed as his.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed the Petitioner's FAP case for failure to provide verifications of assets. The Department was already affirmed by an ALJ's decision for MA.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

CF/hb



Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Fiona Wicks
12185 James St Suite 200
Holland, MI 49424

Ottawa County, DHHS

BSC3 via electronic mail

M. Holden via electronic mail

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EQADHShearings via electronic mail

Petitioner

